

**United States District Court  
For the Southern District of New York**

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UNITED STATES OF AMERICA,

- against -

ALBERTO WILLIAM VILAR  
and GARY ALAN TANAKA,

*Defendants.*

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**JOINT PROPOSED JURY QUESTIONNAIRE**

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Docket No. S3 05 Cr. 621 (RJS)  
[Filed Electronically]

September 12, 2008

## JURY QUESTIONNAIRE

The Court and the attorneys will use the information that you give in response to this questionnaire to select a qualified and impartial jury. It is imperative that you answer each of these questions honestly. Do not discuss the questions or your answers with friends, family members, or fellow jurors. After a jury has been selected, all copies of your response to this questionnaire will be returned to the Clerk of the Court and maintained in confidence. The attorneys are directed to maintain the secrecy of any information they learn in the course of reviewing these questionnaires.

Please answer each question below as completely and accurately as you can. This process will save a great deal of time. You should answer every question. If the question does not apply to you, write "N/A," which will mean "not applicable."

Since you are expected to sign your questionnaire, your answers will be given the same effect as if made in open Court. The Defendants and Government are entitled to have this case heard by a fair and impartial jury that will decide it solely according to the evidence and the Court's instructions on the law.

1. Name: \_\_\_\_\_
2. Maiden Name: \_\_\_\_\_ Gender: \_\_\_\_\_
3. What is your age: \_\_\_\_\_
4. Are you:     \_\_\_ Single                   \_\_\_ Married           \_\_\_ Separated  
                 \_\_\_ Divorced           \_\_\_ Widowed       \_\_\_ Other
5. Where were you born? City \_\_\_\_\_ State \_\_\_\_\_
6. In what neighborhood do you live? \_\_\_\_\_

7. What is your educational background:

\_\_\_\_ Grade school    \_\_\_\_ High school graduate  
\_\_\_\_ Technical or business school    Name of school \_\_\_\_\_  
Some college at \_\_\_\_\_  
Graduated from college at \_\_\_\_\_  
Obtained a degree in \_\_\_\_\_  
Attended Graduate school at \_\_\_\_\_  
Obtained a degree in \_\_\_\_\_

8. Describe your current job and what you do:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

9. Do you supervise others in your current job or in a previous job?

Yes \_\_\_\_ No \_\_\_\_ If so, how many? \_\_\_\_\_

10. What is your spouse or domestic partner's name:

\_\_\_\_\_

11. What is your spouse or domestic partner's current occupation:

\_\_\_\_\_

12. If there are any additional adults living in your household, please identify them and tell us what type of work they do, if any:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

13. Do you or any member of your immediate family<sup>1</sup>, or anyone close to you, know, or have ever come in contact with, any of the individuals or entities listed on Attachment A [to be supplied (and to include individuals listed on the Government's witness list, Amerindo entities, Amerindo former employees, Bear, Stearns, USAO, USPIS, SEC, WSGR, Fahringer & Dubno, etc.)]. If yes, please describe:

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14. Do you have any knowledge about the facts in this case or about Alberto Vilar, Gary Tanaka, or Amerindo Investment Advisors Inc. and its businesses that has not come from what you have learned today? Yes \_\_\_ No \_\_\_ If so, what knowledge do you have?

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15. Have you (and/or your business), and/or your immediate family, or anyone close to you, ever had contact with the U.S. Postal Inspection Service, Securities and Exchange Commission ("SEC") or investigators or auditors of the Internal Revenue Service? Yes \_\_\_ No \_\_\_ If yes, explain:

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<sup>1</sup> For the purposes of this Questionnaire, the term "immediate family" shall be defined as a spouse, domestic partner, father, mother, sister, brother, daughter or son. The above definition shall apply to any subsequent use of the term "immediate family" in this questionnaire.

16. Do you have any bias, prejudice or other feelings for or against the U.S. Attorney's Office for the Southern District of New York, the United States Department of Justice, the United States Securities and Exchange Commission, the United States Postal Inspection Service, or any other law enforcement agency, or any agency that regulates investment advisers or the purchase or sale of securities?

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17. Have you, or any family member, either as an individual or in the course of business, ever been a party to any legal action or dispute with the United States, any officer, department, agency or employee of the United States, the United States Postal Inspection Service, or had any interest in any such legal action or dispute or its verdict?

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18. Have any of you, or any member of your family, ever had a dispute concerning the payment of money owed to you by the Government?

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19. Do any of you know, or have any association -- professional, business, or social, direct or indirect -- with any member of the staff of the United States Attorney's Office for the Southern District of New York, the United States Department of Justice, the United States Securities and Exchange Commission or the United States Postal Inspection Service?

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20. Is any member of your family employed by any federal department or agency, any law enforcement agency, or any agency that regulates investment advisers or the purchase or sale of securities, whether federal, state or local?

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21. Have you or any relative or close friend ever appeared as a witness in, been questioned in, or otherwise been involved in any investigation by: (a) a United States Attorney's Office; (b) the Department of Justice; (c) the United States Securities and Exchange Commission; (d) the National Association of Securities Dealers ("NASD"); (e) a federal or state grand jury; (f) a Congressional or state legislative committee, licensing authority, or governmental agency, or (g) any other federal, state, or local law enforcement agency?

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22. Have you or any relative or close friend ever been a witness or a complainant in any state or federal prosecution?

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23. Are you, or any family member, to your knowledge, now under subpoena or about to be subpoenaed in a criminal case?

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24. Have you, any member of your family, business associate or close friend, ever been charged with a crime?

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25. Have you or any relative, associate, or close friend ever been the subject of any investigation or accusation by any grand jury, federal or state, by any Congressional committee, or by the SEC or the NASD?

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26. Have you and/or any member of your immediate family, or anyone close to you, ever filed a claim of any kind against an individual or entity associated with the securities or financial services industry? Yes \_\_\_ No \_\_\_ If yes, please name the company and describe nature of your experience with the company.

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27. Have you, or any friend or relative ever been a victim of a crime?

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28. Have you, or any friend or relative ever been a victim of a fraudulent scheme? Yes \_\_\_\_ No \_\_\_\_ If yes, please explain

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29. Do you have a problem with your hearing or vision that would prevent you from giving full attention to all of the evidence at this trial?

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30. Are you taking any medication that would prevent you from giving full attention to all of the evidence at this trial?

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31. Do you have any difficulty in reading or understanding English?

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32. Do you read on a regular basis any of the following publications?

- |                                   |          |         |
|-----------------------------------|----------|---------|
| a. <u>The Wall Street Journal</u> | Yes ____ | No ____ |
| b. <u>Barron's</u>                | Yes ____ | No ____ |
| c. <u>Business Week</u>           | Yes ____ | No ____ |
| d. <u>Financial Times</u>         | Yes ____ | No ____ |
| e. <u>Forbes</u>                  | Yes ____ | No ____ |
| f. <u>Fortune</u>                 | Yes ____ | No ____ |
| g. <u>Smart Money</u>             | Yes ____ | No ____ |



33. List the newspapers and magazines that you regularly read:

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34. What television and cable shows do you regularly watch?

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35. Do you and/or any member of your immediate family have any experience with an investment or other financial adviser? Yes \_\_\_\_ No \_\_\_\_ If yes, please identify the circumstances.

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36. Have you ever invested in any stocks, bonds, mutual fund shares, limited partnership interests, U.S. Treasury bills, Government National Mortgage Association ("GNMA"), Government bonds, corporate bonds, options, repurchase agreements, foreign currencies, private placements, initial public offerings? Yes \_\_\_\_ No \_\_\_\_ If yes, please describe the type, duration, size and current status of the investment. In addition, please state the name of the financial institution, the time period in which you invested, and whether you are still investing in the financial institution.

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The government objects to asking the name of the financial institution, the time period in which the juror invested and whether the jurors are currently investing in the financial institution. However, Defendant Vilar believes this information is relevant. Defendant Tanaka takes no position on this matter.

37. Have you and/or any member of your immediate family, or anyone close to you, ever worked in the securities industry, financial services industry, or for an accounting firm in any capacity, such as for a hedge fund, stockbroker, commodities trader, bank or other financial institution, or on Wall Street? Yes \_\_\_ No \_\_\_ If yes, please indicate the name of the institution and describe the nature of the employment.

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The government objects to specifying hedge fund, stockbroker, commodities trader, bank or other financial institution, or on Wall Street. However, Defendant Vilar believes this information is relevant and helpful to the jurors in answering the question. Defendant Tanaka takes no position on this matter.

38. Have you and/or any member of your immediate family, or anyone close to you, ever had any personal experience, of any kind, including a bad experience, with any hedge fund, bank, financial institution, stockbroker, or commodities trader? Yes \_\_\_ No \_\_\_

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The government objects to this question. However, Defendant Vilar believes it is relevant. Defendant Tanaka takes no position on this matter.

39. Do you and/or any member of your immediate family, or anyone close to you, have a 401k plan or other retirement investment plan? Yes \_\_\_ No \_\_\_ If yes, provide details, including the name of the plan.

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The government objects to this question. However, Defendant Vilar believes it is relevant. Defendant Tanaka takes no position on this matter.

40. Have you had any judgments, including bankruptcy judgments, taken against you or any immediate member of your family? Yes \_\_\_\_ No \_\_\_\_ If yes, please identify the creditor and the circumstances.

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The government objects to this question. However, Defendant Vilar believes it is relevant. Defendant Tanaka takes no position on this matter.

41. Would the fact that a defendant was engaged in the business of managing funds for others affect your ability to fairly judge the facts in this case? Yes \_\_ No \_\_

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42. Have you and/or any member of your immediate family, or anyone close to you, had any legal training or taken any course in the study of law, including any paralegal program or on-the-job training? Yes \_\_ No \_\_ If yes, please describe.

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43. Have you served in the military? Yes \_\_\_\_ No \_\_\_\_
- a. If yes, which branch: \_\_\_\_\_
  - b. Where did you serve? \_\_\_\_\_
  - c. What was your rank at discharge? \_\_\_\_\_
  - d. Were you honorably discharged? \_\_\_\_\_
  - e. Have you ever served in Iraq or in any other combat zone, such as Vietnam, Korea, Japan or Germany? Yes \_\_\_\_ No \_\_\_\_  
If yes, please describe.

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44. Do you and/or your immediate family, or anyone close to you, have a background or training in any of the following? (please check all that apply):

- \_\_\_\_ Public or private law enforcement (including security work)
- \_\_\_\_ Federal Bureau of Investigation ("FBI")
- \_\_\_\_ Securities and Exchange Commission ("SEC")
- \_\_\_\_ Internal Revenue Service ("IRS")
- \_\_\_\_ United States Attorney's office
- \_\_\_\_ Local, state, or federal government
- \_\_\_\_ Court system
- \_\_\_\_ Corrections (or prison system)

The government objects to this question. However, Defendant Vilar believes it is relevant. Defendant Tanaka takes no position on this matter.

45. Have you and/or any member of your immediate family, or anyone close to you, ever worked for any local, state or federal government agency, including any law enforcement agency court system, corrections or prison system? Yes \_\_\_ No \_\_\_

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46. Have you or any member of your immediate family ever brought a civil action to enforce a contract or been sued to have a contract enforced?

Yes \_\_\_ No \_\_\_ If yes, please provide the specifics.

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47. Have you and/or any immediate member of your family ever been involved in a lawsuit? Yes \_\_\_ No \_\_\_ If yes, please indicate if you were satisfied with the results. \_\_\_\_\_

48. Have you ever served on a jury? Yes \_\_\_ No \_\_\_ If yes, how many times? \_\_\_\_ If yes, was the jury on which you served able to reach a verdict? Yes \_\_\_ No \_\_\_

49. Have you served as a grand juror? Yes \_\_\_ No \_\_\_ If yes, do you think that experience would affect your ability to follow the Court's instruction in this case that in order to convict a defendant, the Government must prove the elements of any charged offense beyond a reasonable doubt? Yes \_\_\_ No \_\_\_

50. Have you ever testified under oath? Yes \_\_\_\_ No \_\_\_\_ If yes, please describe.

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51. Have you ever been involved in a court proceeding in any other way? Yes \_\_\_\_ No \_\_\_\_ If yes, please check all that applies:

- a. A party \_\_\_\_\_
- b. A witness \_\_\_\_\_
- c. Giving a deposition \_\_\_\_\_
- d. A guardian \_\_\_\_\_
- e. Other \_\_\_\_\_

52. What are your principal leisure time interests, hobbies or activities?

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53. Please list any civic, volunteer, or professional organizations to which you or your immediate family, or anyone close to you, devote or have devoted a significant amount of time or resources:

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54. Would you believe or disbelieve the testimony of a law enforcement officer - or be inclined to give it more or less weight -- merely because of his/her position? Yes \_\_\_\_ No \_\_\_\_ If yes, why?

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55. Would you have any difficulty following the instruction that the judge will give that the defendants are presumed innocent and need not produce any proof, and that in order to convict a defendant, the government must prove its case against that defendant beyond a reasonable doubt? Yes \_\_\_\_ No \_\_\_\_

If yes, explain:

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56. At the close of the case, the judge will instruct you on the law you must apply to the facts as you, as the sole judges of the facts, find them in this case. Would you be able to follow the judge's instructions on the law even if you personally disagreed with the law or the judge's instructions? Yes \_\_\_\_ No \_\_\_\_ If no, explain:

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57. Would you, for any reason, hesitate to follow any of the judge's instructions? Yes \_\_\_\_ No \_\_\_\_ If so, why?

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58. This trial is expected to last approximately seven weeks. It is expected that the Court will sit from 9:15 to 5:30 Monday through Friday with the following exceptions. The Court will not sit on September 30, October 1, October 3, October 9, October 10, October 13, October 24, October 31, November 4, November 11, and November 21. Are you able to serve on a jury during this period? Yes \_\_\_ No \_\_\_ Is there anything about the length of the trial that would make it a hardship for you to serve as a juror? Please explain:

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59. Is there any matter not covered by this Questionnaire that you think the attorneys or Court might want to know about when considering you as a juror in this case? Yes \_\_\_ No \_\_\_ If yes, please explain:

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### **JUROR'S OATH**

I declare under penalty of perjury that the information, which I have provided in this Jury Questionnaire, is true and correct.

\_\_\_\_\_  
DATE

\_\_\_\_\_  
JUROR SIGNATURE

Name: \_\_\_\_\_